

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**DANIEL P. CAMPBELL,**  
Plaintiff,

v.

**RICK THALER, *et al.*,**  
Defendants.

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**Civil Action No. 6:11-CV-00396**

**DEFENDANTS' BRADLEY YANCY AND DAVID JOHNSON'S ORIGINAL  
ANSWER AND REQUEST FOR JURY TRIAL**

Defendants Bradley Yancy, and David Johnson file their answer, denying the Plaintiff's allegations. Pursuant to Rule 8(b), Federal Rules of Civil Procedure, Defendants deny each and every allegation contained in Plaintiff's Complaint except those expressly admitted herein. Defendants assert that they are entitled to the justification defense under Texas Penal Code 9.53. Defendants assert their entitlement to qualified, official, sovereign and Eleventh Amendment immunity, as they apply.

Defendants ask the Court to deny Plaintiff any and all relief demanded in his complaint and that they recover their costs including reasonable attorney's fees and such other relief as to which the Court deems they are entitled.

Defendants state the failure to fully and timely exhaust administrative remedies is a bar to a plaintiff filing suit in the federal court pursuant to 42 U.S.C. section 1997e(a).

Defendants assert that this suit is frivolous and without merit and that as such, they are entitled to recover from Plaintiff the amount of any attorney's fees and costs incurred in defending this suit pursuant to 42 U.S.C. § 1988.

Defendants demand a trial by jury.

Respectfully submitted,

**GREG ABBOTT**

Attorney General of Texas

**DANIEL T. HODGE**

First Assistant Attorney General

**DAVID C. MATTAX**

Deputy Attorney General for Defense  
Litigation

**KAREN D. MATLOCK**

Assistant Attorney General  
Chief, Law Enforcement Defense Division

/s/ SHANE D. NELDER

**SHANE D. NELDER**

Assistant Attorney General

Attorney in Charge

State Bar No. 24062435

P. O. Box 12548, Capitol Station

Austin, Texas 78711

512-463-2080

512-495-9139 FAX

/s/Shane D. Nelder

**SHANE D. NELDER**

Assistant Attorney General

State Bar No. 24062435

P. O. Box 12548, Capitol Station

Austin, Texas 78711

Phone (512) 463-2080

Fax No. (512) 495-9139

**ATTORNEYS FOR DEFENDANTS  
YANCY AND JOHNSON**

**NOTICE OF ELECTRONIC FILING**

I, SHANE D. NELDER, Assistant General of Texas, do hereby certify that I have electronically submitted for filing, a true and correct copy of the above and foregoing in

accordance with the Electronic Case Files System of the Eastern District of Texas, on the 13<sup>th</sup> day of February, 2012.

/s/ Shane D. Neldner  
SHANE D. NELDNER  
Assistant Attorney General

### **CERTIFICATE OF SERVICE**

I, Shane D. Neldner, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing **Defendants' Yancy and Johnson's Original Answer** has been served by placing same in the United States mail on this the 13<sup>th</sup> day of February, 2012, addressed to:

Daniel P. Campbell  
TDCJ # 1137358  
Wallace Unit  
1675 S. FM 3525  
Colorado City, TX 79512  
Pro Se

/s/Shane D. Neldner  
SHANE D. NELDNER  
Assistant Attorney General